

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

Applicant acknowledges with gratitude the personal interview conducted with the examiner at the U.S. Patent and Trademark Office ("USPTO") on November 18, 2010. Discussion during the interview followed the proposed agenda that Applicant's representative submitted to the USPTO on November 16, 2010.

By way of review, claims 1, 5-11, 14, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WIPO Pub. No. WO 92/02161 to Bergkvist (hereinafter "Bergkvist '161") in view of U.S. Patent No. 5,697,111 to Dillner et al. ("Dillner") and U.S. Patent No. 5,581,827 to Fong et al. ("Fong") and U.S. Patent No. 2,646,577 to Thayer and further in view of U.S. Patent No. 4,063,830 to Ban.

During the interview, Applicant first noted the following. The Office Action relies in part upon the disclosure in Dillner's Figure 9 (see Office Action page 4, last paragraph). Dillner discloses that

[a]s more clearly shown in FIG. 9, the foldable floor 14 comprises a foam cushion 24 enclosed within layers 26, 28 of fabric material such as nylon. Fabric layers 26, 28 are stitched together along their peripheries and to a fabric edging 30. The foldable floor 14 is partitioned into four sections, each containing one of four rigid panels 32, 34, 36, 38. Each panel may be made from any relatively rigid material such as a masonite material, wood, cardboard, plastics, etc. Each panel is disposed between the fabric 28 and a like layer of a fabric 40 which is stitched along its periphery to the layers 26,

28 and the edging 30. The fabric 40 is also stitched to the fabric 28 along parallel seams 42, 44, 46. The seams 42, 44, 46 partition the floor 14 into the four sections, each section containing one of the panels 32, 34, 46, 38. The sections are foldable about the seams 42, 44, 46 into the box-shaped configuration shown in FIG. 1. (Column 12, lines 49-64) (Emphasis added)

The Office Action asserts that "[i]t would have been obvious . . . to replace the mattress and bottom plate assembly of the Bergkvist reference with the mattress and plate assembly of the Bergkvist [sic, Dillner] reference in order to provide a mattress assembly that is more versatile and easier to carry because of its one piece nature" (Office Action page 5, first paragraph).

Next, Applicant noted the instant application's disclosure with regard to the structural elements that facilitate collapsing and stowing the claimed bed. That is, the specification states that

[t]he bed according to Fig. 1 can readily be collapsed by taking the mattress 50 and the plate 51 out of the sack 20. The plate 51 has two parallel, spaced-apart scoring lines 52 in the longitudinally central area of the plate 51. The bed according to Fig. 1 is then placed upside down on the ground, after which the legs 13 are folded back over the respective frame part 11, after which the frame parts 11 are folded back towards each other by turning in the fittings 2. Next, the collapsed frame with the sack 20 is placed in the doubled mattress 50 and furthermore the plate 51 is placed in a doubled state outside the mattress 50 as is seen in Fig. 7, after which the parallelepipedic bed package thus put together is placed in a parallelepipedic bag 91 mating therewith, which is shown to have carrying handles 92. Naturally, the bag 91 may also have a cover including a zipper closure. (Specification page 4, lines, 19-28, as previously amended)

Then, the examiner and Applicant reviewed the proposed amended claim 1 that had been submitted for the examiner's consideration. The proposed amended claim 1 recited in pertinent part that the rigid integral bottom plate feature

[is] rigid in two directions and [has] **only** two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate

and is configured

so as to provide two rigid end sections connected to each other via the two scoring lines separated by a rigid middle section, the rigid middle section having a smaller width in the longitudinal direction of the bottom plate than the two end sections, **the bottom plate being foldable into a substantially U-shaped configuration that houses therein the mattress and the frame.** (Emphasis added)

Applicant noted that support for the proposed recitation is found in the disclosure of specification page 4 and of Figure 7.

Finally, the examiner and Applicant discussed the disclosures of Bergkvist '161 and Dillner. Applicant urged that Dillner's four-panel design (Figure 9) could not be folded into the configuration defined by proposed claim 1.

The examiner agreed, and indicated that proposed claim 1 would seem to overcome the rejection under § 103(a) based on Bergkvist '161 in view of Dillner and Fong and Thayer and further in view of Ban. The examiner also indicated that if independent claim 15 were similarly amended, it too would appear to be allowable over the cited prior art combination.

The examiner and Applicant also briefly discussed the rejection of claims 1 and 5-17 under 35 U.S.C. § 112, first paragraph. In general, it was agreed that the Applicant would respond by clarifying the intended meaning of the remarks presented in the Amendment filed May 5, 2010.

Turning to the instant Amendment, claims 1 and 15 have been amended exactly as proposed during the interview. Claims 1 and 5-17 remain pending in the application. Claims 1 and 15 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claim 1 has been amended to even more particularly define the structural characteristics of the rigid integral bottom plate feature of the bed. Instant claim 1 recites in pertinent part that the rigid integral bottom plate feature

[is] rigid in two directions and [has] **only** two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate

and is configured

so as to provide two rigid end sections connected to each other via the two scoring lines separated by a rigid middle section, *the rigid middle section having a smaller width in the longitudinal direction of the bottom plate than the two end sections, the bottom plate being foldable into a substantially U-shaped configuration that houses therein the mattress and the frame.*

Claim 15 has been amended in a manner analogous to that of claim 1. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 112, First Paragraph

Claims 1 and 5-17 stand rejected under 35 U.S.C. § 112, first paragraph (Office Action page 2). The Office Action refers to remarks presented in Applicant's Amendment filed May 5, 2010 (Amendment page 11, lines 23-27), i.e., that "a child, when standing up and holding the frame and standing on either or both parts (divided by the scoring lines) of the bottom plate, will not be able to tip the bed, since the bottom plate at the bottom of the sack will be 'stuck/locked' at the lower corners of the sack." The Office Action contends that the structural elements "that cause the bottom plate at the bottom of the sack to be 'stuck/locked' at the lower corners of the [sic, bed] are critical or essential to the practice of the invention."

Applicant respectfully traverses the rejection of claims 1 and 5-17 under § 112, first paragraph. The disclosure of the instant application is fully enabling. No additional structural features beyond those disclosed in the instant application are required to ensure the stability of the bed.

Applicant was simply making the point that by virtue of the structural characteristics of the claimed *rigid integral* bottom plate feature, the weight of a person in the bed would maintain the

position of the rigid plate in the bottom of the sack, thereby ensuring the stability of the bed.

Accordingly, reconsideration and withdrawal of the rejection under § 112, first paragraph, are respectfully requested.

35 U.S.C. § 102(b) - Bergkvist '161, Dillner, Fong, Thayer, and Ban

Claims 1, 5-11, 14, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WIPO Pub. No. WO 92/02161 to Bergkvist (hereinafter "Bergkvist '161") in view of U.S. Patent No. 5,697,111 to Dillner et al. ("Dillner") and U.S. Patent No. 5,581,827 to Fong et al. ("Fong") and U.S. Patent No. 2,646,577 to Thayer and further in view of U.S. Patent No. 4,063,830 to Ban.

For at least the reasons discussed during the interview and summarized above, the rejection of claims 1, 5-11, 14, 15, and 17 based on Bergkvist '161, Dillner, Fong, Thayer, and Ban is respectfully deemed to be obviated. For at least the following reasons, the combined disclosures of Bergkvist '161, Dillner, Fong, Thayer, and Ban would not have rendered obvious Applicant's presently claimed invention.

The combined disclosures of Bergkvist '161, Dillner, Fong, Thayer, and Ban do not teach all of Applicant's claim features. Bergkvist '161 is deficient for at least the reasons acknowledged by the examiner in previous Office Actions, and for the reasons presently acknowledged by the examiner (Office Action

pages 4, 6, 8, 9, 11, 12, and 13). And, instant claim 1 defines an embodiment of the bed in which the rigid integral bottom plate feature

[is] rigid in two directions and [has] **only** two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate

and is configured

so as to provide two rigid end sections connected to each other via the two scoring lines separated by a rigid middle section, the rigid middle section having a smaller width in the longitudinal direction of the bottom plate than the two end sections, **the bottom plate being foldable into a substantially U-shaped configuration that houses therein the mattress and the frame.**

As indicated above, the Office Action relies in part upon the disclosure in Dillner's Figure 9 (see Office Action page 4, last paragraph). Dillner discloses that

[a]s more clearly shown in FIG. 9, the foldable floor 14 comprises a foam cushion 24 enclosed within layers 26, 28 of fabric material such as nylon. Fabric layers 26, 28 are stitched together along their peripheries and to a fabric edging 30. The foldable floor 14 is partitioned into four sections, each containing one of four rigid panels 32, 34, 36, 38. Each panel may be made from any relatively rigid material such as a masonite material, wood, cardboard, plastics, etc. Each panel is disposed between the fabric 28 and a like layer of a fabric 40 which is stitched along its periphery to the layers 26, 28 and the edging 30. The fabric 40 is also stitched to the fabric 28 along parallel seams 42, 44, 46. The seams 42, 44, 46 partition the floor 14 into the four sections, each section containing one of the panels 32, 34, 46, 38. The sections are foldable about the seams 42, 44, 46 into the box-shaped configuration shown in FIG. 1. (Column 12, lines 49-64) (Emphasis added)

However, that is not Applicant's presently claimed invention. As the examiner recognized during the interview, Dillner's four-panel design (Figure 9) could not be folded into the configuration defined by instant claim 1.

Fong and Thayer are deficient for at least the reasons presented in Applicant's reply of February 12, 2009. Similarly, the disclosure of Ban adds nothing that would rectify any of the deficiencies of Bergkvist '161 and Dillner.

Therefore, the combined disclosures of Bergkvist '161, Dillner, Fong, Thayer, and Ban would not have rendered obvious the invention defined by instant claim 1. Claims 5-11 and 14 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

Instant claim 15 defines an embodiment of the invention in which the rigid integral bottom plate feature

[is] rigid in two directions and [has] **only** two parallel spaced-apart scoring lines which are positioned in a longitudinally central area of the bottom plate and which extend perpendicularly to a longitudinal direction of the bottom plate

and is configured

so as to provide two rigid end sections connected to each other via the two scoring lines separated by a rigid middle section, the rigid middle section having a smaller width in the longitudinal direction of the bottom plate than the two end sections, **the bottom plate being foldable into a substantially U-shaped configuration that houses therein the mattress and the frame.**

Claim 15, therefore, is also allowable. Claim 17 is allowable because it depends from claim 15, and for the subject matter recited therein.

35 U.S.C. § 103(a)

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergkvist '161 in view of Dillner, Fong, Thayer, and Ban, and further in view of U.S. Patent No. 6,588,020 to Stewart, III et al. ("Stewart"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergkvist '161 in view of Dillner, Fong, Thayer, and Ban, and further in view of U.S. Patent No. 5,542,151 to Stranski et al. ("Stranski").

The rejections of claims 12 and 13 under § 103(a) are also respectfully deemed to be obviated. Regardless of what Stewart may disclose with regard to zippers and seams, and regardless of what Stranski may disclose with regard to a playpen joint, the disclosures of Stewart and Stranski do not rectify any of the above-described deficiencies of Bergkvist '161, Dillner, Fong, Thayer, and Ban.

Accordingly, the combined disclosures of Bergkvist '161, Dillner, Fong, Thayer, Ban, and Stewart, and the combined disclosures of Bergkvist '161, Dillner, Fong, Thayer, Ban, and Stranski, would not have rendered obvious the embodiments of the invention defined by, respectively, Applicant's claims 12 and 13.

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In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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